

REMARKS

The Office Action of December 22, 2003 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-61 remain pending.

Claims 1, 3, 7-13, 17, 19, 20, 22, 26-31, 33-37, 39 and 42-45 are rejected under 35 U.S.C. §102(e) as being anticipated by Henrick (U.S. Patent No. 6,507,727). This rejection is respectfully traversed.

Henrick generally describes a system that facilitates the purchase and delivery of audio and video content over the Internet. *See generally* Abstract. More specifically, Henrick discloses a system comprising a broadcast radio system and a digital cellular phone that is capable of accessing the Internet. Col. 2 line 63 – Col. 3 line 3. The operation of the Henrick system comprises the user listening to a broadcast radio station, navigating to a Web server using a digital cellular phone and retrieving the song currently playing on that specific radio station.

Amended claim 1 recites, *inter alia*, “a content server receiving a first request for available content items from a mobile unit over a wireless medium, wherein the mobile unit is located within a short-range wireless operational area served by a transceiver of the content server.” Henrick does not teach or suggest a content server receiving a first request from a mobile unit, wherein the mobile unit is located within a short-range operational area served by a transceiver of the content server. At best, the Henrick system utilizes cellular phones to access a remote Web server over a long-range wireless medium in order to download or get more information about a particular song broadcast on a radio station. Col. 3, ll. 25-41. Since radio stations may cover large broadcast regions, the Henrick Web server would need to serve a long-range operational area encompassing all cellular or mobile devices within the radio broadcast range. Therefore, the Henrick system lacks the limitation of the mobile unit being located within a short-range operational area, as is recited in claim 1. Claim 1 is thus allowable for this reason.

Short-range wireless system offer several advantages over the long-range systems discussed in the Examiner’s cited references. One major benefit of maintaining a short-range wireless operation area is the ability to maintain several content servers in one area. For

example, if a convention center has 20 conference rooms, each room could potentially be equipped with a content server for the different presentations or speeches. On the other hand, in a long-range system, the entire convention center would most likely be encompassed by one operational area. This would result in having one content server or one "base station" controlling all of the various conferences occurring at the same time. However this result of having enormous operational areas is produced by design. Wireless services (i.e. cellular phone service) are mainly concerned with and interested in creating the best and largest coverage possible. Perhaps even more compelling is that a short-range system incurs a lower cost and requires less equipment. Whereas the long-range systems would require large antenna arrays or the use of satellites to maintain the coverage area, a short-range system only involves a local content server that broadcasts within a certain limited area (i.e. a large room or an auditorium). Therefore, costs associated with satellites, bandwidth and erecting antenna towers would substantially eclipse the comparatively minimal cost of using short-range wireless systems. In addition, the long-range system requires more hardware and equipment as discussed with the cost. Not only does such a system increase the complexity of the system exponentially, but it also increases the system's susceptibility to problems or shutdowns. In light of the number and significance of the aforementioned benefits and advantages of a short-range wireless operational area system, a short-range system is also not obvious in view of the cited references' "long-range" disclosures.

In further reference to amended claim 1, Henrick also does not disclose or teach "a short-range operational area served by a transceiver of the content server." As the Applicant's specification discloses, the transceiver of the content server may be located within the content server and may be used to receive requests from and send content to a mobile unit or device. Specification, p. 15, ¶ 67; *see also* Specification, FIG. 11. The Henrick system, on the other hand, discloses the Web server, itself, directly receiving requests from and sending content to users. Col. 4, line 46 – Col. 5, line 34. Henrick makes no mention of an intermediate device which regulates the input and output of information between the mobile unit and the content server. Henrick would appear to send and receive data to and from users via cellular base stations as is known in the art. Therefore, the Henrick system does not teach an operational area

served by a transceiver of the content server, as is recited in claim 1. Claim 1 is thus allowable for this additional reason.

Claims 3 and 7-13 are dependent back on claim 1 and are thus allowable for at least the same reasons as claim 1.

In addition, amended claim 8 recites, *inter alia*, "authenticating the mobile unit prior to sending the second response by the content server via the transceiver." The Henrick system, however, does not teach or even suggest authenticating the mobile unit prior to sending the second response by the content server via the transceiver. While the Henrick system may include identifying the PC to which the user wishes the requested content to be downloaded (Col. 4, ll. 39-44), this does not constitute authenticating the mobile unit, as is recited in claim 8. Henrick specifically teaches that the PC is a second device, distinct from the mobile unit. Col. 5, ll. 11-16. Therefore, the identification of a second device, as taught by Henrick, is not at all similar to authenticating the mobile unit prior to transmitting the second response by the content server. Claim 8 is thus allowable for this additional reason.

Additionally, claim 12 recites, *inter alia*, "(v) opening a data channel between the mobile unit and a remote storage device; and (vi) sending the specific content item to the remote storage device via the data channel." Henrick does not teach sending the specific content item to the mobile unit at all, much less sending the specific content item from the mobile unit to the remote storage device via a data channel. Instead, the specific content item is sent to a second device (i.e. not the mobile unit) where a software agent resides. Col. 5, ll. 11-16. Therefore, under the Henrick system, the specific content item would never exist on the mobile unit in the first place. Furthermore, Henrick does not disclose opening a data channel between the mobile unit and a remote storage device. At best, Henrick teaches using a software agent to open a channel between a second device (i.e. PC) and the Web server. Col. 5, 11-30. This is different from opening a data channel between the mobile unit and the content server as is recited in claim 12. Therefore, claim 12 is allowable for this additional reason.

Claim 13 recites, *inter alia*, "the method of claim 1, wherein a first specific content item is available according to a first set of predetermined conditions and a second specific content item is available according to a second set of predetermined conditions." The Henrick system

neither teaches nor suggests any such method. The Examiner cites the process of user account creation and user log on as anticipating a first specific content item available according to a first set of predetermined conditions and a second specific content item available according to a second set of predetermined conditions. However, the Henrick system does not teach how the user account creation or user login creates a first or second set of predetermined conditions that would make a first or second specific content item available, respectively. The Applicant's specification discloses that the preconditions may make certain files (specific content) available only to certain users or allow access to data files only at specific times and/or on specified dates. Specification, p. 11, ¶ 55. Henrick does not teach or even suggest anything remotely similar. Therefore, claim 13 is allowable for this additional reason.

Claim 17 is dependent back on claim 13 and is thus allowable for at least the same reasons as claim 13.

Claim 19 is dependent back on claim 3 and is thus allowable for at least the same reasons as claim 3.

In addition, claim 19 recites, *inter alia*, "downloading the specific content item from the mobile unit to a destination computer." Again, the Henrick system does not disclose downloading the specific content item to the mobile unit, a logical prerequisite to downloading the content item from the mobile unit to a destination computer. Therefore, it would not be possible, much less taught, in the Henrick system to download the specific content item from the mobile unit to a destination computer. Henrick specifically states that the specific content item is downloaded directly from the web server to a *second* device, like a PC, using a software agent. Col. 5, ll. 11-30 (emphasis added). The Henrick system distinctly used the term "second device" to distinguish it from the mobile unit (i.e. cellular phone). Therefore, claim 19 is allowable for at least this additional reason.

Amended claim 20 recites, similar to claim 1, *inter alia*, "a transceiver for receiving requests from and sending responses to a mobile unit within a short-range wireless operational area served by the content server." Again, Henrick lacks a transceiver for receiving requests and transmitting responses to mobile units. In addition, the Henrick system does not disclose that the

operational area served by the content server is short-range. Therefore, claim 20 is allowable for at least the same reasons as claim 1.

Claims 22 and 26-30 are dependent back on claim 20 and are thus allowable for at least the same reasons as claim 20.

In addition, amended claim 27, similar to claim 8, recites, *inter alia*, "authenticating the mobile unit prior to sending the second response via the transceiver." The Henrick system, however, does not teach or even suggest authenticating the mobile unit prior to transmitting the second response by the content server, as is discussed above. Therefore, claim 27 is also allowable for the same reasons as claim 8.

Amended claim 31 recites, similar to claim 1, *inter alia*, "receiving a first request for available content items from a mobile unit within a short-range operational area served by a transceiver of the content server." Henrick does not teach or even suggest a short-range operational area, much less a short-range operational area served by a transceiver of the content server. Therefore, claim 31 is allowable for at least the same reasons as claim 1.

Claims 33-36 are dependent back on claim 31 and are thus allowable for at least the same reasons as claim 31.

In addition, amended claim 35, similar to amended claim 8, recites, *inter alia*, "authenticating the mobile unit prior to sending the second response via the transceiver." The Henrick system, however, does not teach or even suggest authenticating the mobile unit prior to sending the second response by the content server via the transceiver, as is discussed above. Therefore, amended claim 35 is also allowable for the reasons similar to amended claim 8.

Amended claim 37 recites, similar to claim 1, *inter alia*, "a transceiver that communicates with a content server when the mobile unit is within a short-range operational area served by the content server." As discussed in reference to amended claim 1, Henrick lacks both a transceiver within the content server and a mobile unit within a short-range operational area. Therefore, claim 37 is allowable for at least the same reasons as claim 1.

Claims 42-45 are dependent back on claim 37 and are thus allowable for at least the same reasons as claim 37.

Claim 1-3, 8, 12-16, 18, 20-22, 31-33, 37-39 and 45 stand rejected under 35 U.S.C. §102(e) as being anticipated by Wegener *et al.* (U.S. Patent No. 6,490,432) (hereinafter "Wegener"). These rejections are respectfully traversed for the following reasons.

Wegener is generally related to audio/video-on-demand systems and more particularly a system in which a portion of content in a remote database is locally stored in an audio/video-on-demand receiver. Col. 1, ll. 8-14. More specifically, Wegener discloses a system whereby links are used to associate locally stored content and a portion of the remotely stored content. Only a portion of content remotely stored in a database is stored locally in the mobile device/receiver.

Amended claim 1 recites, *inter alia*, "a content server receiving a first request for available content items from a mobile unit over a wireless medium, wherein the mobile unit is located within a short-range operational area served by a transceiver of the content server." Wegener does not teach or even suggest a short-range operational area served by a transceiver of the content server. Instead, Wegener system is motivated by wireless communications systems including terrestrial/satellite broadcast systems and cellular communications system. Col. 1, ll. 16-40. In addition, Wegener teaches using transmission towers to provide an operational area. Col. 5, ll. 29-41. In contrast to the short-range operational area recited in claim 1, the use of transmission towers for terrestrial and satellite broadcast system would create substantial operational ranges requiring substantial equipment and cost. Applicant's specification discloses examples such as conferences or presentations as typical short-range wireless operational areas. Specification, p. 7, ¶ 41. The Wegener system does not teach such a limited wireless operational area and exceeds the scope of the present invention. Therefore, claim 1 is allowable for this reason.

Furthermore, the Wegener system does not teach or even suggest "the content server transmitting a first response to the mobile unit via the transceiver, wherein the first response comprises information associated with available content items," as is recited in claim 1. Instead, Wegener discloses that the available content items are transmitted from the content database to the mobile unit/receiver according to the preprogramming of a broadcast scheduler. Col. 5, ll. 29-41. By using a broadcast scheduler, the Wegener system teaches away from transmitting a first response to a mobile unit. In Wegener, the information associated with available content

items is not transmitted in *response to a mobile unit request*, but rather by the predetermined programming of an automated broadcast scheduler. Col. 5, ll. 29-41. Moreover, the information associated with the available content is retrieved from local memory (i.e. the mobile receiver) rather than the content database/server (Col. 5, ll. 51-60). Therefore, claim 1 is allowable for these additional reasons.

Claims 2-3, 8, 12-16 and 18 are dependent back on claim 1 and are thus allowable for at least the same reasons as claim 1.

In addition, claim 18 recites, *inter alia*, “(v) downloading the pointer from the mobile unit to a destination computer; and (vi) the destination computer retrieving the specific content item from a network location defined by the pointer.” Wegener makes no reference to downloading a pointer from the mobile device/unit to a destination computer. At most, Wegener describes the mobile device downloading or retrieving links from a remote content database and allowing the user to view and follow the links on the mobile device. Col. 6, ll. 19-48. However, there is no indication in the Wegener system that the links are further downloaded to a destination computer much less having the destination computer retrieve the specific content item from the network location defined by the pointer. Therefore, claim 18 is allowable for this additional reason.

Amended claim 20, similar to claim 1, recites, *inter alia*, “a transceiver for receiving requests from and sending responses to a mobile unit within a short-range operational area served by the content server.” Wegener does not teach or even suggest a short-range operational area. Therefore, claim 20 is allowable for the same reasons as claim 1.

Claims 21 and 22, dependent back on claim 20, are allowable for at least the same reasons as claim 20.

Amended claim 31, similar to claim 1, recites, *inter alia*, “receiving a first request for available content items from a mobile unit within a short-range operational area served by a transceiver of the content server.” As discussed above, Wegener lacks a short-range operational area, as is recited in claim 31. Therefore, claim 31 is allowable for the same reasons as claim 1.

Claims 32 and 33, dependent back on claim 31, are allowable for at least the same reasons as claim 31.

Claim 37, similar to claim 1, recites, *inter alia*, "receiving a first request for available content items from a mobile unit within a short-range operational area served by a transceiver of the content server." Wegener does not teach or even suggest a mobile unit within a short-range operational area served by a transceiver of the content server. Therefore, claim 37 is allowable for the same reasons as claim 1.

Claims 38, 39 and 45, dependent back on claim 37, are allowable for at least the same reasons as claim 37.

Claims 4-5, 23-24, 40 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wegener in view of Levy *et al.* (U.S. Patent No. 6,505,160) (hereinafter "Levy"). This rejection is respectfully traversed.

Levy generally describes a system to link audio and other multimedia data objects with metadata and actions via a communication network. Col. 1, ll. 26-30. The linked metadata may include information such as the title, artists, lyrics, and/or copyright owner of a particular audio work. Col. 2, ll. 38-53. The metadata or actions are automatically linked to a particular object and is transmitted with the object through the distribution process. Col. 4, ll. 14-33. The linked object may later be activated through a decoding process which extracts the identifier and uses it to access associated data or actions. Col. 4, ll. 33-34.

Claim 4 is dependent back on claim 1, and maintains the same limitations as claim 1. Therefore, Wegener and Levy, either alone or in combination, must teach every limitation of claim 1 as well as claim 4. Wegener and Levy, either alone or in combination, do not.

Amended claim 1 recites, *inter alia*, "a content server receiving a first request for available content items from a mobile unit over a wireless medium, wherein the mobile unit is located within a short-range operational area served by a transceiver of the content server." As discussed above, Wegener does not teach or even suggest such a limitation. Furthermore, Levy does not teach or suggest a short-range operational area served by a transceiver of the content server. In fact, Levy suggests operational areas covered by networks such as the Internet, wireless telephone networks and broadcast networks like AM and FM radio. Col. 2, ll. 10-21. Therefore, the Levy system encompasses networks with extremely large operational areas (i.e. radio and wireless telephone), whereas claim 1 teaches a short-range operational area. As such,

neither Wegener nor Levy, separately or in combination, teaches every limitation of claim 1. Therefore, claim 4, dependent back on claim 1, is allowable for at least this reason.

Claim 5, dependent back on claim 4, is thus allowable for at least the same reasons as claim 4.

Claim 23 is dependent back on claim 20 and therefore maintains the same limitations as claim 20. Therefore, Wegener and Levy, either separately or in combination, must teach every limitation of claim 20 to sustain an obviousness rejection against claim 23.

Amended claim 20, like claim 1, recites, *inter alia*, "a transceiver for receiving requests from and sending responses to a mobile unit within a short-range operational area served by the content server." Wegener and Levy, either alone or in combination, does not teach a short-range operational area, as discussed above. Therefore, every limitation of claims 20 and 23 has not been taught by the cited references. Claim 23, dependent back on claim 20, is thus allowable for this reason.

Claim 24, dependent back on claim 23, is allowable for at least the same reasons as claim 23.

Claim 40 is dependent back on claim 20 and therefore maintains the same limitations as claim 37. Therefore, Wegener and Levy, either separately or in combination, must teach every limitation of claim 37 to sustain an obviousness rejection against claim 40.

Amended claim 37, similar to claim 1, recites, *inter alia*, "receiving a first request for available content items from a mobile unit within a short-range operational area served by a transceiver of the content server." Wegener and Levy, either alone or in combination, does not teach a short-range operational area, as discussed above. Therefore, every limitation of claims 37 and 40 has not been taught by the cited references. Claim 40, dependent back on claim 37, is thus allowable for this reason.

Claim 41, dependent back on claim 40, is allowable for at least the same reasons as claim 40.

Claims 6 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wegener in view of Examiner's official notice.

As discussed above, Wegener does not anticipate either claim 1 or claim 20. Therefore, since claim 6 and claim 25 are dependent back on claims 1 and 20, respectively, Wegener also does not teach every limitation of claims 6 and 25. Examiner's official notice does nothing to make up for Wegener's deficiencies. Therefore, claims 6 and 25 are allowable for this reason.

Claims 46-61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha *et al.* (U.S. Patent. No. 6,173,317) (hereinafter "Chaddha") in view of Wegener. This rejection is respectfully traversed.

Claim 46 recites, *inter alia*, "the content server identifying data corresponding to a video display image displayed at a time when the request is received." Chaddha does not teach or even suggest such a limitation. Chaddha discloses time tracks and time markers to synchronize a displayable event and to be able to retrieve textual and/or graphical elements to be displayed at a predetermined time. Col. 7, ll. 7-30. While Chaddha may disclose a method whereby a user may retrieve data corresponding to a particular time marker, it does not teach or even suggest a server identifying data corresponding to a video display image *at a time when the request is received*. Under the Chaddha system, it is the user who determines the time marker or time period from which to retrieve textual and/or graphical elements. Col. 7, ll. 15-30. In contrast, claim 46 teaches that the content server identifies data corresponding to a video display image according to the time the request is received. Therefore, under the Applicant's system, the applicable time or time frame may be guided by a determination by the content server as to when the request was received. Wegener similarly does not make any reference to identifying data corresponding to a video display image displayed at a time when the request is received. Therefore, since neither Chaddha nor Wegener, either separately or in combination, teach every limitation, claim 46 is allowable for at least this reason.

Claims 47-49 are dependent back on claim 46 and are thus allowable for at least the same reasons.

Claim 50 is dependent back on claim 47 and is thus allowable for at least the same reasons.

In addition, claim 48 recites, *inter alia*, "capturing a screen image of the displayed video image, and wherein the data file comprises the captured screen image." Applicant's

specification describes the captured screen image as a screen shot of the display or a capture of the video output stream. Specification, p. 14, ¶ 64. Chaddha, however, discloses a system whereby a client computer can retrieve textual and/or graphical elements of a HTML page. Col. 7, ll. 26-30. Merely retrieving portions of the display (i.e. textual or graphic elements) is not at all equivalent to a screen shot which may encompass all elements of the display. For example, if an HTML page were displayed on a display but did not encompass the entire screen, a screen shot would capture not only the HTML page, but also all elements outside that window or section of the display. Chaddha discloses only retrieving textual and graphical elements of the HTML portion of the display. Col. 7, ll. 26-30. Therefore, claim 48 is allowable for this additional reason.

Claim 51, like claim 46, recites, *inter alia*, "identifying data corresponding to a video display image displayed at a time when the request is received." Since neither Chaddha nor Wegener, either separately or in combination, teach such a limitation (as discussed above), this claim is allowable for the same reasons as claim 46.

Claims 52, 54 and 55 are dependent back on claim 51 and are thus allowable for at least the same reasons as claim 51.

In addition, claim 52, similar to claim 48, recites, *inter alia*, "capturing a screen image of the displayed video image, based on the video display signal, and...the data file comprises the captured screen image." Again, Chaddha only discloses retrieving textual or graphical elements from specific portions of the display and not the entire display. Therefore, claim 52 is allowable for this additional reason.

Claim 53 is dependent back on claim 52 and is thus allowable for at least the same reasons as claim 52.

Amended claim 56, similar to claim 46, recites, *inter alia*, "receiving data from the content server via the transceiver, said data corresponding to a video image displayed at a time when the content server receives the request for video content." Since Chaddha only discloses the user specifying a time frame to retrieve, it does not anticipate a system whereby the content server determines the relevant time frame according to when the request for video content was received. Therefore, claim 56 is allowable for reasons similar to claim 46.

In addition, Chaddha does not teach or even suggest receiving data from the content server via the transceiver. In fact, Chaddha discloses a system where by the web servers or stream servers communicate directly with the client computer/viewer. *See* FIG. 2; *see also* Col. 5, ll. 10-29. Therefore, there does not exist a communication entity, like the claimed transceiver, between the content/web server and the client computer/viewer. Claim 56 is thus allowable for this additional reason.

Claims 57, 58, 60 and 61 are dependent back on claim 56 and are thus allowable for at least the same reasons as claim 56.

Claim 59 is dependent back on claim 58 and is thus allowable for at least the same reasons as claim 58.

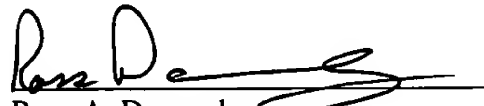
It is believed that no extension of time fee is required for this submission. If any extensions of time or additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
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